

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Nelson Tree Service, Inc.,

Plaintiff,

Case No. 10-12549

v.

Hon. Sean F. Cox

International Brotherhood of
Electrical Workers Local Union
No. 17; Kevin Shaffer, Business
Manager, International Brotherhood
of Electrical Workers Local Union
No. 17; John Doe and Mary Roe,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER WITHOUT PREJUDICE

On June 28, 2010, Plaintiff Nelson Tree Services, Inc. ("Nelson Tree") filed a motion for a temporary restraining order.

Federal Rule of Civil Procedure 65(b) provides:

The court may issue a temporary restraining order without written notice or oral notice to the adverse party or its attorney only if:
(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and
(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

Nelson Tree has failed to comply with subsection (B), so this Court declines to determine whether it has met its burden under subsection (A).

Accordingly, it is ORDERED that Nelson Tree's motion for a temporary restraining order is DENIED without prejudice.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: June 29, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 29, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager